

**REMARKS**

Applicant thanks the Examiner for the thorough consideration given the present application.

Claims 1, 6, 7, 9-11 and 14-15 are pending in this application. Claims 1 and 14 are independent. Claims 2-5, 8, 12, 13 and 17 have been canceled without prejudice to or disclaimer of the subject matter contained therein.

Reconsideration of this application, as amended, is respectfully requested.

**Rejections Under 35 U.S.C. §112, 2<sup>nd</sup> Paragraph**

Claims 1 and 14 are rejected under 35 U.S.C. §112, 2<sup>nd</sup> Paragraph, as being indefinite. Claims 1 and 14 are amended to be in clear and definite form in accordance with the Examiner's helpful comments. Accordingly, it is respectfully requested that the rejection of claims 1 and 14 under 35 U.S.C. §112, 2<sup>nd</sup> Paragraph, be withdrawn.

**Rejections Under 35 U.S.C. §103(a)**

Claims 1, 6, 7, 9-11, 14 and 15 are rejected as being unpatentable over Applicant's disclosed related art in view of JP 5-323324 to Katsuto. Claims 13 and 17 are rejected over Applicant's disclosed related art in view Katsuto, and further in view of U.S. Patent No. 5,954,999 to Mishina et al. These rejections, in so far as they pertain to the presently pending claims, are respectfully traversed.

While not conceding the appropriateness of the rejections, but merely to expedite the prosecution of the instant application, independent claims 1 and 14 are amended to incorporate therein the features recited in their independent claims 13 and 17, respectively, and now recite that "the heating step is performed at a temperature which is substantially equal to a baking temperature of the alignment layer, to form a uniform tilt angle of the alignment layer."

It is respectfully submitted that the above-noted feature as recited in independent claims 1 and 14 is not disclosed by or rendered obvious over the applied prior art of record, including Applicant's disclosed related art, Katsuto or Mishina et al.

As acknowledged by the Examiner, Applicant's related art teaches that the liquid crystal cell is heated at a temperature of 100°C (the related art aging temperature). However, nowhere does Applicant's related art disclose or suggest performing the heating process at a temperature which is substantially equal to a baking temperature of the alignment layer because, using this inventive feature, Applicant solves the related art problems discussed on page 3, lines 14-20 of the original specification. Therefore, Applicant's related art does anticipate or render obvious at least the above-noted feature recited in claims 1 and 14.

The Office Action relies on Katsuto for a teaching of a heating step being performed at a temperature greater than about 10°C above a nematic isotropic

transition temperature as well as the step of quickly cooling the LCD cell. However, Katsuto does not teach or suggest the above-cited feature of claims 1 and 14, and therefore fails to cure the deficiencies of Applicant's related art.

In rejecting claims 13 and 17, which now have been incorporated into claims 1 and 14, respectively, the Office Action relies on Mishina et al. for a teaching of a baking temperature of the alignment layer which can be selected from a range of from -5°C to 100°C (col. 4, line 58 of Mishina et al.). However, the Examiner's cited "-5°C to 100°C" at col. 4, line 58 of Mishina et al. is not the baking temperature of the alignment layer, but is the reaction temperature used to form only a polyimide precursor. Mishina et al. teaches that both the polyimide precursor and the solvent-soluble polyimide are mixed to form a treating agent, and this treating agent then is coated on a substrate and baked and rubbed to form an alignment film. See, e.g., col. 3, lines 22-32 and col. 4, line 53-56 of Mishina et al. Further, no other portion of Mishina et al. teaches or suggests heating the liquid crystal cell at a temperature which is substantially equal to a baking temperature of the alignment as required by claims 1 and 14. Therefore, Mishina et al. fails to cure the deficiencies of Applicant's related art and Katsuto and thus, the combination of references applied by Examiner fails to teach or suggest the invention as recited in claims 1 and 14.

In view of the foregoing, reconsideration and withdrawal of the rejections of

the claims are respectfully requested. Independent claims 1 and 14 should be in condition for allowance. Since the remaining claims depend either directly or indirectly from allowable independent claims 1 and 14, they should also be allowable for at least the reasons set forth above, as well as for the additional limitations provided by these claims. Accordingly, all pending claims should be in condition for allowance.

### **CONCLUSION**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

Since the above amendments merely add claims 13 and 17 to claims 1 and 14, respectively, they do not raise new issues and/or matter that would require further search. In the alternative, they reduce issues for the appeal. Accordingly, entry of this Amendment is deemed proper and respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Sam Bhattacharya (Reg. No. 48,107) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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